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THE ANDHRA PRADESH GAZETTE

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NOTIFICATIONS BY GOVERNMENT

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HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

ROC. No.107/SO/2019.

Date: 14.05.2024.

“THE HIGH COURT OF ANDHRA PRADESH (DESIGNATION OF SENIOR ADVOCATES) RULES, 2024”

NOTIFICATION No.14/SO/2024

In exercise of the powers conferred under Sec. 34(1) read with section 16(2) of the Advocates Act, 1961 and in accordance with the guidelines laid down by the Hon'ble Supreme Court of India in Indira Jaising Vs Supreme Court of India through Secretary General and Others reported in (2017) 9 SCC 766 as clarified by the Hon'ble Supreme Court in (2023) 8 SCC 1, the High Court of Andhra Pradesh, hereby frames the following rules in supersession of the existing rules/ guidelines U/s. 16(2) of The Advocates Act, 1961 for designation of an Advocate as a Senior Advocate.

1. Short Title and Commencement:

(a) These Rules shall be called “**The High Court of Andhra Pradesh (Designation of Senior Advocates) Rules, 2024**”

(b) These Rules shall come into force with immediate effect.

2. Definitions:

- (a) "Advocate" means an Advocate who has been admitted to the rolls and continues to be on the rolls of the Bar Council of Andhra Pradesh constituted under the Advocates Act,1961.
- (b) "Committee" means the "Committee for Designation of Senior Advocates" as constituted under Rule 6 of these Rules.
- (c) "High Court" means the High Court of Andhra Pradesh constituted as per the provisions or the Andhra Pradesh Reorganization Act,2014.
- (d) "Advocate" means an Advocate designated as Advocate U/s. 16(2) of the Advocates Act, 1961 and as per the Rules made there under.
- (e) "Secretariat" means the Secretariat established by the Hon'ble Chief Justice of High Court of Andhra Pradesh under these Rules.
- (f) "Stake-holder" means and includes every person directly concerned with or affected by the designation of an Advocate as Senior Advocate by the High Court of Andhra Pradesh.
- (g) "Instructing Counsel or Advocate on Record" means an Advocate other than a Senior Advocate who has been instructed by the client in the matter and who is on record of the concerned matter by accepting Vakalat.

3. Eligibility Conditions for Designation of Senior Advocate:

No person shall be eligible to be designated as Senior Advocate unless he or she:

- (a) Has a standing of 10 years at the bar ordinarily practicing in the High Court of Andhra Pradesh and,
- (b) Is enrolled with Bar Council of Andhra Pradesh constituted under the Advocates Act,1961.
- (c) Has participated in Legal aid or pro-bono work.

- (d) Must be at least of 45 years of age;
However, it shall not bar consideration of applications by advocates below 45 years of age in exceptional cases.
- (e) Has got at least 25 (twenty five) reported cases in which he/she personally appeared and argued.
- (f) Has got Rs. 7.00 lakhs (rupees seven lakhs only) net income per year or more during the preceding 5 years as reflected in the Income Tax Returns,
- (g) He is not convicted by a competent court of law and should not have been punished for an offence involving moral turpitude or for contempt of Court or should not have been punished by the Bar Council of the State of Andhra Pradesh or by the Bar Council of India for any act of misconduct.

Explanation – I: The eligibility condition with regard to minimum standing of 10(ten) years as mentioned above shall not be applicable to the retired Judicial Officer who has acquired the Standing of 10 (ten) years practice in the High Court before they became Judicial Officer.

Explanation-II: Law Officers of the State and Central Governments including the Government Pleaders, Standing Counsel and Public Prosecutors etc., excluding the Advocate General of the State are not entitled for automatic designation of the Senior Advocate by virtue of their appointment, or their previous post such as Law Officer, unless they make an application and satisfy the eligibility conditions mentioned in this Rule-3.

- (h) Advocates with domain expertise by virtue of practice before specialized tribunals may be given concession with regard to condition of practice in the High Court of Andhra Pradesh.

4. Designation of an Advocate as a Senior Advocate:

(1) The High Court of Andhra Pradesh may, subject to the consent of the Advocate, designate an Advocate as a Senior Advocate, if in its opinion, by virtue of his ability and standing at the Bar, he/she is deserving for such distinction subject to fulfilling the eligibility conditions mentioned in Rule 3 of these Rules.

Explanation: The term "Standing at the Bar" means the position of eminence attained by an Advocate at the Bar by virtue of his ability, seniority, legal acumen and high ethical standards maintained by him, both inside and outside the Court.

5. Motion for Designation as a Senior Advocate:

(A) Procedure Suo Moto:

An advocate may be considered by the High Court for being designated as a Senior Advocate either Suo Moto by the High Court or by a written application.

If the Hon'ble Chief Justice or any other Hon'ble Judge of the High Court of Andhra Pradesh is of the opinion that an Advocate, by virtue of his ability, standing at the Bar or special knowledge or experience or expertise in any branch of law, is deserving such distinction so as to be designated as Senior Advocate, the Hon'ble Chief Justice / the Hon'ble Judge may, in writing recommend the name of such Advocate for being considered for designation as Senior Advocate.

In such a case the recommendation shall be placed directly before the Full Court for approval.

(B). Procedure on Application:

a) The designation of an Advocate as Senior Advocate by the High Court of Andhra Pradesh may be considered on a written application of the concerned Advocate made in Form – II of the Annexure of these Rules.

- b) Along with Form – II Application, the Advocate shall submit the proposal of two Designated Senior Advocates, having 5 years standing as Senior Advocate at the Bar, as mentioned in the Form-I along with the consent declaration of the Advocate concerned.
- c) Along with Form – II Application, the Advocate shall submit a Letter of Undertaking in Form – III, that he/she has not applied to any other High Court for being designated as a Senior Advocate and that his/her Application has not been rejected by any High Court within a period of two years prior to the date of the proposal or application and also that he/she has not simultaneously made any Application to any other High Court for designation as Senior Advocate and that the said Application is still pending consideration.
- d) No Senior Advocate shall propose for more than two candidates per year.

6. Permanent Committee and its Secretariat for designation of Senior Advocate:

- (a) All matters relating to the designation of Senior Advocate in the High Court of Andhra Pradesh shall be dealt with by a Permanent Committee known as "Committee for Designation of Senior Advocates" which consists of:
 - i. Hon'ble Chief Justice as the Chairman of the Committee.
 - ii. Two senior most sitting Judges of the High Court.
 - iii. The Advocate General for the State of Andhra Pradesh
 - iv. A practicing Designated Senior Advocate at High Court of Andhra Pradesh to be nominated by the above four members.
- (b) The Permanent Committee constituted under sub-rule (1) above shall have a Secretariat, the composition of which shall be decided by the Hon'ble Chief Justice of High Court of Andhra Pradesh in consultation with other members of the Committee.

- (c) The Committee may issue such directions from time to time as deemed necessary regarding functioning of the Secretariat including the manner in which, and the source/s from which the necessary data and information shall be collected, compiled and presented.
- (d) The Committee shall meet at least twice in a calendar year depending upon the circumstances.
- (e) The Secretariat of the Committee shall initiate the process for designation of Senior Advocate at least once every year by inviting applications from Advocates for designation as Senior Advocates.

7. *Procedure for Designation:*

- (a) All applications and written proposals for designation of an Advocate as a Senior Advocate shall be submitted to the Secretariat as per Rule 6(b) of the Rules.
- (b) On receipt of the application or proposal for designation of an Advocate as a Senior Advocate, the Secretariat shall compile the relevant data and information with regard to the reputation, conduct, and integrity of Advocate including, his participation in pro-bono work and reported cases or cases involving questions of law in which he/she had appeared and actually argued during the last five years.
- (c) The Secretariat will publish the details of the applications/proposals received for designation of an Advocate as a Senior Advocate in the official website of the High Court of Andhra Pradesh inviting suggestions/views of the stakeholders to the proposed designation within 15 days from the date of such publication.
- (d) The Secretariat will place the suggestions/views of the stakeholders to the proposed designation before the Committee for taking further instructions. The Committee may, if it considers it fit and necessary, seek the response from the Advocate on the Suggestions/views received in relation to this proposed designation, within such time as may be directed.

(e) After the data-base in terms of above is compiled and all such information as may be, specifically directed by the Committee to be Obtained in respect of the Advocate is collected, and suggestions/views of the other stakeholders as also response from the Advocate, if any, have been received, the Secretariat shall put up the entire material before the Committee for scrutiny.

(f) Upon submission of the entire material by the Secretariat for scrutiny, the Committee shall examine the same in the light of the data provided and shall interact with the Advocate/s and shall, thereafter, make an overall assessment on the basis of the point-based format indicated as under:

Sl.No	Matters	Points
1	Number of years of practice of the Applicant Advocate from the date of enrolment. (10 Points for 10 years of Practice and 1 point each for every additional year of practice, subject to maximum of 20 points)	20 Points
2	Judgments reported and unreported (excluding orders that do not lay down any principle of law); which indicate legal formulations advanced with significant legal issues. pro-bono work done by the Advocate; domain expertise (such as constitutional law, Inter-State Water Disputes, Criminal law, Arbitration law, Corporate law, Family law, Human Rights, Public Interest Litigation, International law, law relating to women) of the applicant-Advocate including, the expertise at specialized Tribunals like NCLT, Electricity Tribunal, etc.,	50 Points
3	Publications of academic articles, experience of teaching assignments in the field of law, guest lectures delivered in law schools and professional institutions connected with law and research being done in the field of law.	5 Points
4	Test of Personality & Suitability on the Basis Of Interview/Interaction	25 Points

(g) The Advocates are permitted to submit five of their best Synopses/Written Arguments as filed into the Court for evaluation of their applications.

- (h) After the overall assessment of Advocates by the Committee, the names of those Advocates will be placed before the Full Court along with the respective assessment reports for consideration.
- (i) Ordinarily, unless there is difference of opinion in respect of a candidate, except when unavoidable, voting by secret ballot shall not be resorted by the Full Court. In the event voting by Secret Ballot is conducted, decisions will be finalized by a majority of the Hon'ble Judges who have chosen to exercise their preference/choice. The powers of preferential vote can be exercised by the Hon'ble Chief Justice in the circumstances deemed necessary. However, the voting by secret ballot should not be a Rule, but the same is an exception.
- (j) On the approval of the Full Court, an Advocate shall be designated as a Senior Advocate and the same shall be communicated to the concerned advocate.
- (k) On such conferral of the designation the Secretariat shall notify the fact of designation to the Secretary General, Supreme Court, the Bar Council of Andhra Pradesh, the Bar Council of India and the Bar Association of High Court of Andhra Pradesh and shall also be placed on the official website of High Court of Andhra Pradesh.

8. *Restrictions on Senior Advocates:*

An Advocate on being designated as Senior Advocate, shall not:-

- (a) File Vakalatnama or memo of appearance in any Court or Tribunal. However, the Instructing Counsel or Advocate on Record shall file a memo of intimation in the concerned Court intimating the appearance of the Senior Advocate in the case so engaged.
- (b) Appear before a Court or Tribunal without an instructing Advocate.
- (c) Accept instructions to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal or undertake canvassing work of any kind whatsoever;

Note:- The said restrictions shall not apply for settling any such matter as aforesaid in consultation with an instructing advocate;

- (d) Accept directly from a party any brief or instructions to appear in any Court or Tribunal.
- (e) Appear for mentioning of any matters to the Court nor appear for getting adjournments.
- (f) Shall not enter into direct professional correspondence with a litigant except for the purpose of giving opinion.

9. Canvassing:

An advocate who made application for his designation as Senior Advocate or his proposing Senior Advocates shall not indulge in the acts of Canvassing in any form including meeting the Hon'ble Judges and such an act shall result in disqualification of the proposal of the concerned Advocate who sought designation. An undertaking to that extent shall be filed as mentioned in Form-III.

10. Review and Recall:

- (a) If is found that any Senior Advocate has-
 - i. Committed any professional misconduct; or
 - ii. Shown intemperate behavior either inside or outside the Court; or
 - iii. been found invariably negligent in discharge of professional duties; or
 - iv. been found by the Bar Council of India or Bar Council of Andhra Pradesh or the Bar Council of any other State to have committed professional or other misconduct; or
 - v. been convicted of an offence involving moral turpitude or for Contempt of the Court; or
 - vi. For any other reason lost the privilege to be a Senior Advocate, then, for any one or more of the foregoing reasons, the name of the Senior Advocate will be placed before the Hon'ble Chief Justice for recalling of his designation.

(b) On being satisfied that the matter should be further considered, the Hon'ble Chief Justice shall refer the issue to the Permanent Committee. The Permanent Committee shall give an opportunity to the Senior Advocate to plead his/her case including a personal hearing and thereafter submit its recommendation.

(c) If the Committee, in its report recommends withdrawal/recall of the designation as Senior Advocate, the Hon'ble Chief Justice shall place the report with the recommendations of the Committee at the next Full Court meeting for its consideration.

(d) If majority of the Hon'ble Judges present at the meeting is of the view that the Senior Advocate has forfeited his/her privilege, the Full Court shall recall his/her designation as a Senior Advocate.

(e) The Registrar General shall notify the decision to the Advocate and to the Bar Council of Andhra Pradesh and other concerned who shall delete the name from the list of Senior Advocates maintained by them in their respective Registers.

(f) Nothing contained in these rules shall prevent an Advocate, who has been designated by the High Court of Andhra Pradesh as a Senior Advocate, from submitting a *Suo Moto* Application to withdraw or recall his/her designation as a Senior Advocate. In the event of such an application addressed to the Permanent Secretariat being submitted, the Permanent Secretariat shall place it before the Hon'ble Chief Justice for appropriate orders thereon.

(g) The Registrar General shall notify withdrawal of the designation in official website of the High Court while communicating the same to the concerned.

11. Interpretation:

All questions relating to the interpretation of these rules shall be referred to the Hon'ble Chief Justice of the High Court whose decision thereon shall be final. The Hon'ble Chief Justice may issue directions for the removal of difficulties either in general terms or in particular instance as the exigencies may require.

12. Reconsideration:

If a proposal of the designation as Senior Advocate is not favourably considered by the Full Court, the said Advocate shall not be allowed to make fresh proposal for a period of two years from the date of such decision of the Full Court. However, after lapse of two years, the said Advocate can make a fresh application as per Rules for reconsideration.

13. Deferment and Reconsideration:

The Committee or the Full Court shall have the power to defer the proposal/Application of any of the Advocate for valid reason/ reasons. All such cases which are deferred for being designated as Senior Advocate shall not be reconsidered until expiry of one year from the date of deferment. The deferred Advocate shall make a fresh Application by following the procedure prescribed in the Rules after lapse of the lock-in period of one year.

14. Savings:

All the previous Rules in respect of the subject matter, including the Guidelines for Designating of an Advocate as Senior Advocate, made by the High Court of Andhra Pradesh with all amendments/ modifications, are hereby superseded. However, this shall not, by itself, invalidate the actions taken under the superseded Rules/Guidelines and all those actions are saved under these Rules.

Y. LAKSHMANA RAO,
Registrar General.

FORM-I**FORM OF PROPOSAL FOR DESIGNATION AS A SENIOR ADVOCATE**

It is proposed that the Advocate whose particulars are given below may be designated as a Senior Advocate by the High Court of Andhra Pradesh:

1. Name of the Advocate :
2. Permanent Residential :
Address and Mobile :
3. Number of the Advocate :
4. Email Address :
5. Educational Qualification :
6. Date of Birth :
7. Date of Enrolment as an Advocate and where enrolled :
8. Enrolment Number :
9. Other information, if any, including : reported cases, legal aid work/publication/participation in Seminar or Conference/association with any Faculty of Law and research work done in the field of law, expertise in Specialized laws &tribunals etc.

Dated:

SIGNATURE OF PROPOSER

I hereby express and give my consent to be designated as a Senior Advocate by the High Court of Andhra Pradesh.

Dated:

SIGNATURE OF ADVOCATE/APPLICANT

FORM-II
{Rule5(B)(a)}
Personal Information

1. Name :
2. Father's/Husband's Name :
3. Address including e-mail address :
4. Permanent Address :
5. Age/Date of Birth :
6. Educational Qualification :
7. Date of Enrolment and its particulars :
8. Name of the Bar Association of which he/she is a member :
9. Number of years of practice and in which Court/s :
10. If specialized in any branch of law :
11. Whether he/she is, or had been, in the panel of Advocates of the State or Central Government, or a public sector undertaking or a statutory body, or institution. If so details thereof :

12. Particulars of Important matters in which he/she appeared and particulars of 25 (Twenty Five) citations of reported cases (Judgments laid down any principle of law) :
13. Names and particulars of Advocates associated with him in his/her chambers/office :
14. Particulars of cases in which he/she appeared as an arguing counsel, on behalf of another advocate (not being an advocate from his chambers/office),during the preceding five years, and the name and particulars of the Advocate on whose behalf he/she appeared
15. Particulars of articles, if any, published in any journal or books, if any, authored
16. Whether associated with any faculty of Law(If so the particulars thereof) :
17. Particulars of Guest Lectures delivered in law schools and professional institutions :
18. Particulars of the cases in which he/she provided free legal aid and pro bono work

19. Whether his/her name was : earlier proposed for being designated as Senior advocate of the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, or any other High Court, or of the Supreme Court of India. If so the decision thereon.
20. Whether involved in any Criminal Case, or disciplinary proceedings before the State Bar Council. If so, the particulars, the result/the stage of the proceedings
21. Whether any application for designation is pending with any High Court and Supreme Court at present
22. Income Particulars :
(enclose five years certified Income Tax Returns)

DECLARATION

I, _____ Son/Daughter of _____
Advocate hereby declare that the above stated
particulars are true and correct.

Place:

Sd/-

Date:

(NAME OF THE ADVOCATE)

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